



## INTERIOR BOARD OF INDIAN APPEALS

Chilocco Development Authority v. Acting Anadarko Area Director,  
Bureau of Indian Affairs

29 IBIA 51 (01/25/1996)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

CHILOCCO DEVELOPMENT AUTHORITY,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	Docket No. IBIA 95-58-A
	:	
ACTING ANADARKO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 25, 1996

The Chilocco Development Authority (the Authority) sought review of a November 4, 1994, decision of the Acting Anadarko Area Director, Bureau of Indian Affairs (Area Director; BIA), concerning the renegotiation of Lease No. 14-20-0207-7517 (the lease) between appellant and Narconon International, Inc. (Narconon). For the reasons discussed below, the Board dismisses this appeal.

The Authority was established by a September 30, 1986, Intertribal Agreement among the Kaw Nation of Oklahoma, the Otoe-Missouria Tribe, the Pawnee Tribe of Oklahoma, the Ponca Tribe of Oklahoma, and the Tonkawa Tribe of Oklahoma. The Authority's purpose was to manage real property held in trust by the United States for the Tribes. That property consisted primarily, if not entirely, of approximately 167.42 acres of land located in Kay County, Oklahoma, which was the former campus of the Chilocco Indian Agricultural School, and which had been transferred to the Tribes by Act of Congress.

The lease, which was executed on September 1, 1988, and approved by the Area Director on September 23, 1988, leases the former school campus to Narconon for the purpose of operating the Narconon New Life Center (Center), an inpatient drug and alcohol rehabilitation services program. Paragraph 3 of the lease provides that the "lease agreement shall be reviewed each fifth year for the purpose of determining whether any changes are needed." The Area Director's November 4, 1994, decision essentially required the renegotiation of the lease in accordance with Paragraph 3.

The Authority appealed.

After it had begun consideration of this case, the Board received information indicating that the Authority had been terminated. The Board asked the Area Director to confirm whether or not this information was correct. The Area Director provided the Board with a May 25, 1995, Resolution of the Kaw, Pawnee, Ponca, and Tonkawa Tribes terminating the Authority pursuant to Article XVII of the 1986 Intertribal Agreement; and a June 2, 1995, letter from the Area Director to the President of the Center, stating that the Superintendent, Pawnee Agency, BIA, would assume responsibility for managing, supervising, and monitoring the lease.

The Board gave the parties, including each of the five tribes which had created the Authority, until December 15, 1995, in which to show cause why this appeal should not be dismissed because the appellant, i.e., the Authority, no longer existed. On November 24, 1995, the Board received additional information from the Area Director concerning the termination of the Authority. In a response dated December 15, 1995, but not received by the Board until January 11, 1996, because of the closure of the Department of the Interior due to the lack of Federal funding, the Area Director stated that the appeal should be dismissed. The Board has received no other responses.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Acting Anadarko Area Director's November 4, 1994, decision is dismissed based on the lack of an appellant.

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Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge